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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on Vladimir Kozlov and Human Rights situation in Kazakhstan
(2013/2600(RSP))

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on behalf of the S&D Group

**European Parliament resolution on Vladimir Kozlov and on Human Rights situation in Kazakhstan
(2013/2600(RSP))**

The European Parliament,

- having regard to the general provisions on the Union's external action laid down in article 21 of the Treaty on European Union, and the procedure for the conclusion of international agreements set out in article 218 of the Treaty on the Functioning of the European Union,
- having regard to the EU Strategy for Central Asia,
- having regard to its Resolution of 15 March 2012 on Kazakhstan and to its previous resolutions of 7 October 2010 and of 17 September 2009, in particular;
- having regard to its EU - Kazakhstan Report on the European Parliament's Recommendations to the Council, Commission and the EEAS on the Negotiations for an EU-Kazakhstan enhanced Partnership and Cooperation Agreement, adopted on 22 November 2012 (in particular, paragraphs (i) - (x));
- having regard to the Statement by the HR/VP on Kazakhstan in the Plenary Session in Strasbourg on 21 November 2012;
- having regard to the Remarks by HR/VP Ashton following her meeting with the President of Kazakhstan, Astana, on 30 November 2012;
- having regard to the Council statement on Kazakhstan of 24 May 2011,
- having regard to the EU's statements on Kazakhstan in the OSCE Permanent Council of 3 November and 22 December 2011, 19 January, 26 January and 9 February 2012 and to the statements by EU HR/VP Catherine Ashton on the events in the Zhanaozen district of 17 December 2011 and on the 15 January 2012 parliamentary elections in Kazakhstan of 17 January 2012, and to the statement to the European Parliament on Kazakhstan delivered on behalf of High Representative Catherine Ashton by the Danish Foreign Minister, Villy Søvndal, on 14 March 2012 (A 122/12),
- having regard to the EU Statement on the treatment of the opposition and civil society in Tajikistan and Kazakhstan at the OSCE Permanent Council in Vienna on 13 December 2012
- having regard to the statement of preliminary findings and conclusions of the OSCE/ODIHR-led mission observing the 15 January 2012 parliamentary elections,
- having regard to the statement on the media situation in Kazakhstan by the OSCE Representative on Freedom of the Media of 25 January 2012,

- having regard to the statement on the clampdown on Kazakh opposition by the Director of the OSCE's Office for Democratic Institutions and Human Rights of 1 February 2012,
- having regard to its resolution on the EU Strategy for Central Asia of 15 December 2011,
- having regard to the election of the Republic of Kazakhstan to the United Nations Human Rights Council for 2013 - 2015 on 12 November 2012;
- having regard to the Statement made by the International Partnership for Human Rights (IPHR) on "Kazakhstan: Sought extremism bans threaten to wipe out political pluralism", Brussels, Almaty on 22 November 2012¹;
- having regard to paragraph 23 of its resolution on the United Nation's Human Rights Council of 16 February 2012,
- having regard to the Statement made by the International Partnership for Human Rights (IPHR) on "Kazakhstan: Sought extremism bans threaten to wipe out political pluralism", Brussels, Almaty on 22 November 2012;
- having regard to the Rule 110 (2) of the Rules of Procedure,

A. whereas the EU and the Republic of Kazakhstan are in the process of negotiating an enhanced PCA to deepen and broaden their relations;

B. whereas progress in the negotiation of the enhanced PCA must be linked to the progress of political reform;

C. whereas Kazakhstan wishes to show in face of the world in search of a recognition and of a legitimacy that has played a positive role in Central Asia, making efforts to develop good neighbourly relations with bordering countries, resume regional cooperation and resolve all bilateral issues by peaceful means;

D. whereas Kazakhstan has been admitted to the Venice Commission of the Council of Europe; whereas during the negotiations for an enhanced PCA the EU and Kazakhstan need to find a common language on human rights and democracy;

E. whereas, notwithstanding the Kazakh government's stated ambition to strengthen Kazakhstan's democratic process and to conduct elections in line with international standards, the general elections held on 15 January 2012 were deemed by the OSCE not to be in line with its standards, given widespread voting irregularities and the failure to provide the necessary conditions for the conduct of genuinely pluralistic elections;

F. whereas after the tragic events of December 2011 in Zhanaozen, opposition parties, independent media, trade unions, activists and human rights defenders have become targets of

repression, including detentions without proven violation of law which could be considered as politically motivated;

G. whereas there is an ongoing open and constructive dialogue between MEPs, official representatives of Kazakhstan, representatives of civil society and NGOs on issues of mutual interest;

H. whereas Vladimir Kozlov, the leader of the major, -but unregistered-, opposition Alga party in Kazakhstan, was arrested upon his return from visiting EU Institutions, including the EP in Strasbourg where he met several MEPs, and has been found guilty of ‘inciting social discord’, ‘calling for the forcible overthrow of the constitutional order’ and ‘creating and leading an organised group with the aim of committing crimes’, and has been sentenced to seven and a half years in prison; whereas Akzhanat Aminov, an oil worker from Zhanaozen, and Serik Sapargali, a civil society activist, have been convicted on similar charges and have been handed down a five-year and four-year suspended sentences respectively;

I. whereas in a series of trials held in December 2012 that are closely related to the case against Kozlov and his co-defendants, the Court banned as extremist the unregistered "Alga" party and a group of 8 newspapers and 22 internet sources which is grouped together as an unified outlet under the name of 'Respublika', the Vzglyad newspaper and its internet resources, the satellite K+ TV channel and its website, and the online Stan TV video portal; whereas in the Respublika case the Court's decision on banning also "other" media used to disseminate material of this "unified" outlet, too, leaves it unclear to what all media it applies;

J. whereas these trials and bans appear strongly politically motivated; whereas the EP called on the Kazakh authorities to grant Vladimir Kozlov, Akzhanat Aminov and Serik Sapargali a fair and transparent appeal process;- whereas for Vladimir Kozlov the last instance for appeal will be the Supreme Court of Kazakhstan after he has been deported to the penal colony in Petropavlovsk in the North of Kazakhstan where prison conditions are very harsh; whereas Mr. Kozlov apparently suffered of numerous health problems and his state of wellbeing is unclear;

K. whereas the EP in its November 2012 and already in its March 2012 Resolution urged the Kazakh authorities to release all political prisoners, to get its legal system and in particular, its Criminal Code in line with international standards and to fully implement Kazakhstan's adopted Human Rights Action Plan; whereas the condemnation by the European Parliament of the arrest and the sentencing of Mr. KOZLOV in a Resolution of 15 March 2012 and in a Report - Recommendations for the presently ongoing PCA Negotiations of 22 November 2012;

L. whereas the environment for freedom of expression and for government criticism is severely restrictive in Kazakhstan as the repetitive harassments and attacks on journalists, the arrests of civil society activists, the banning of the opposition and of media outlets show;

M. whereas end of November 2012, the HR/VP Lady Ashton travelled to Central Asia and visited Kazakhstan while the legal banning of the opposition and the media outlets was going on; whereas the HR/VP Ashton did not meet and speak with the civil society during her visit ; whereas in the HR/VP Ashton's public Statement the at that stage in particular critical human and fundamental rights situation with the ongoing legal silencing of the opposition in

Kazakhstan was regrettably not addressed;

1. expresses his deep concern and profound worry about the last situation of the health condition of Mr Koslov who has considerably worsened according to recent news from reliable foundation, Kazakhstan being in situation of violating its international obligations by not giving necessary medical care, a denial which may be regarded as an inhuman or degrading treatment; urges the Republic of Kazakhstan again to release Vladimir Kozlov as his conviction is based on vague charges and on unfair trials; insists on its previously made call to release prisoners convicted on political grounds and to end politically motivated arrests and convictions carried out on the basis of the vague criminal charge of 'inciting social discord';

2. urges Kazakhstan not to abuse the legitimate fight against terrorism and extremism as an excuse to ban opposition activity, government critical voices and to hinder freedom of expression inclusive press and media freedom;

3. denounces the fact that Kazakhstan has legally banned the opposition party, associations and a number of opposition media outlets as extremist.

4. deeply worries about the sharp drop of Kazakhstan in the annual World Press Freedom Index 2013 by Reporter Without Borders (place 160 on 179 countries) , while Kazakhstan's human rights record has seriously deteriorated following violent clashes in December 2011 between police and demonstrators, including striking oil workers, freedom of assembly being strictly controlled and a restrictive law on religious freedoms remaining in force, independent journalists being attacked, and authorities having shut down key independent media outlets, legislation regulating workers' rights being vague and burdensome, and banning strikes in certain sectors of the economy restricting workers' rights.

5. repeats urging Kazakhstan to act on its international commitments to respecting fundamental and human rights by implementing political reforms; encourages Kazakhstan to view criticisms not as a threat but as a constructive tool to improve policies and inclusiveness;

6. Instructs its President to forward this resolution containing the European Parliament's recommendations to the Council, the Commission, the HR/VP and the Government and Parliament of the Republic of Kazakhstan.